



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 6725-99

1 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 20 November 1980 at the age of 19. Your record reflects that you served for nearly a year without incident but on 15 September 1981 you received nonjudicial punishment (NJP) for two specifications of disobedience. The punishment imposed was forfeitures totalling \$132 and restriction and extra duty for 14 days. Shortly thereafter, on 20 October 1981, you received NJP for disrespect and were awarded \$500 in forfeitures of pay, correctional custody for 20 days, reduction to paygrade E-1, and restriction for 20 days. The correctional custody was suspended for four months.

Your record further reflects that on 10 March 1982 you received NJP for disobedience and were awarded a \$125 forfeiture of pay and correctional custody for seven days. The correctional custody was suspended for three months. On 30 July 1982 you were convicted by special court-martial (SPCM) of two periods of unauthorized absence (UA) totalling 30 days, three specifications of disrespect, communicating a threat, and disobedience. You were sentenced to confinement at hard labor for 60 days, forfeitures totalling \$1,050, and a bad conduct discharge (BCD).

Subsequently, the BCD was approved at all levels of review and ordered executed. On 11 November 1983 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded. The Board further considered your contentions that you were unfairly treated, did not receive proper counselling, and were threatened.

However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct, which resulted in three NJPs and a court-martial conviction. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director